

# Hawaiians may not fare well even with 'sovereignty'

**A**S a lineal, direct descendant of Kamehameha the Great, I cannot accept the proposals of the congressional delegation, the 30-organization Hui Na'auao, the Hawaiian Homes Commission, and the Office of Hawaiian Affairs for a new and sovereign Hawaiian nation with "tribal title" to 1.75 million acres of land in the Ceded Lands Trust.

That is because the proponents believe that the late monarch, Liliuokalani, had title to the Crown Lands when her government was overthrown in January 1893. Liliuokalani knew better.

When she sued for redress for the Crown Lands in 1910 in the United States Court of Claims, she did not request the value of the Crown Lands on the basis of allodial title, which she did not have (nor any sovereign after Kamehameha IV, including Kamehameha V), but rather the revenues of the Crown Lands as a life estate.

Because of the limitations of the Act of 1865 by which Kamehameha V created the benefit trust from the estate of his late brother to support the sovereign in the office, Liliuokalani could not legally recover any of the revenues in 1910 as she was no longer in the office of sovereign monarch.

Following the abortive 1895 rebellion to recover her throne and under duress of house arrest during the investigation of the deaths of two law officers dispatched to Waikiki to investigate rumors of the rebellion, she had also signed a statement of abdication binding under international law whereby she forfeited for herself and her successors, her throne and all of its benefits.

Under the terms of annexation she also agreed to payment for life, annually, a stipend of \$25,000 or more by the United States since 1898, a sum which she had been receiving from the Provisional Government and the Republic of Hawaii after the overthrow. As a private citizen, moreover, Liliuokalani never forfeited her own private estates which had been hers and her family's since the Great Mahele.

Not so the Kamehameha family, whose estate the Crown Lands truly were when the overthrow took



## OTHER VIEWS

By Rubellite Johnson

place, as they had been the private estate of Kamehameha III since the partition deeds of 1847-48 and Kamehameha IV since his uncle and adoptive father Kamehameha III had willed to him irrespective of the crown in 1853, and by Kamehameha V made *inalienable* to the Kamehameha estate in 1865.

That meant that no one, not even the sovereign him/herself, nor the government, nor the Crown Lands Commission between 1865 and 1893 could ever alienate, which therefore means also, that the Crown Land remained the legal Kamehameha estate throughout the reigns of Kamehameha V, Lunalilo, Kalakaua and Liliuokalani, the revenues, however, becoming for each sovereign in the office a source of financial support in addition to the finances which accrued to him from the government treasury as provided by law.

After the probate of Alexander Liholiho's private estate in 1864, the Kamehameha estate became an appanage, or means of financial support, for the sovereign. It was never conveyed to the government as government property. It was, therefore, not any loss to Liliuokalani as sovereign when she was no longer queen.

Therefore, the Crown Lands could not have been a "loss" to the "sovereignty" as vested in the person of the monarch, nor then could it be a loss to the "sovereign Hawaiian nation" either then or now, excepting lands which had always belonged to the government as public property, also ceded to the United States in 1898. The sovereign government lands did not belong to any citizen then nor are they

properly claimed by any citizen now, aboriginal or otherwise because the government lands had always been the property of the government since 1848, created in the division of the Great Mahele by Kamehameha III, the king for all citizens of the kingdom regardless of ethnic origin. The government property was, as the king put it, for "all of my subjects," including residents from abroad to whom the services of the kingdom also accrued.

Therefore, by this definition of government property, as ceded to the United States in 1898, greater rights to citizens of aboriginal blood quantum do not qualify more than the rights of all other non-aboriginal citizens of the state, except those respecting the special definition of native Hawaiian beneficiaries under the Hawaiian Homes Act of 1921.

The United States also canceled a \$4 million debt accruing to the Kalakaua government and owing to the United States Post Office when the monarchy fell and was replaced by the Provisional Government and later, the Republic of Hawaii which inherited the debts of the monarchy. That amount was approximately the then-estimated value of the 1.75 million acres inclusive of Crown and Government lands conveyed into the public domain by the Republic in 1894 and ceded to the United States in fee title in 1898.

Under tribal title no one owns any private property, and no private property rights would be defined nor assigned as a constitutional right, and my private property rights as a lineal descendant to the ancestral land of the Kamehameha kings in the Crown Lands estate would never be honored under the tribal government as I believe they presently are under my rights as a citizen under the Constitution of the United States of America.

Why would I wish to forfeit these rights to another dictatorship of the proletariat by definition of group domain?

If the tribal title of the new sovereign Hawaiian nation, however, allowed the right of private Hawaiian citizens to claim their homesteads in fee title, with new grants of homestead land which would free them

from the tribal title of the sovereignty of the Hawaiian nation, from the state of Hawaii and from the federal government, I might buy the argument that we would have more and better rights under new management. But so far no Hawaiian leader in either political party or government agency or public corporation such as OHA has convinced me he could manage 1.75 million acres profitably in my behalf.

Look around, and what do you see?

What trust has OHA set up from which the native Hawaiians properly may say they own any dividends, any mutual funds, any savings gathering interest in the bank? I show you nothing at all.

How much land and homesteads have the Hawaiian Homes Commission leaders been able to develop after nearly three-quarters of a century, given the policy of the government to deny them development funds? But then even if the strings were cut, who is in that organization with the financial and development skills to do so?

And when will they ever talk about homestead which the awardees can own after so many half-centuries of occupation, residency, farming and lease payments plus taxes?

They like it like it is, with a projected, two-century policy which effectively argues that blood quantum is the basis for qualification. What nation subjects it offspring to this nasty idea, false beyond belief to the truth of genetics?

Let the public be the judge. Would you sentence your children to non-ownership of everything and to in-breeding for the sake of leasing forever land and homes which they would never ever own or call their own after 200 years?

Under which government would you rather live? The tribal sovereignty in which everybody owns everything, or you own something yourself?

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